



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in Compliance with D.N.J. LBR 9004-1

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Trustee of the Estate of William J. Focazio*

Order Filed on August 13, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In re:

WILLIAM J. FOCAZIO, JR.

Debtor.

Bankr. Case No.: 19-10880-VFP

Honorable Vincent F. Papalia, U.S.B.J.

Chapter 11

**ORDER GRANTING CHAPTER 11 TRUSTEE'S MOTION TO: (i) VACATE
STAY RELIEF ORDER AND REINSTATE THE AUTOMATIC STAY; (ii)
REIMPOSE THE AUTOMATIC STAY WITH RESPECT TO WILMINGTON
SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE
LOAN TRUST A; AND (iii) GRANT RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby

ORDERED.

DATED: August 13, 2019



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: William J. Focazio, Jr.

Case No.: 19-10880-VFP

Caption: ORDER GRANTING CHAPTER 11 TRUSTEE'S MOTION TO: (i) VACATE STAY RELIEF ORDER AND REINSTATE THE AUTOMATIC STAY; (ii) REIMPOSE THE AUTOMATIC STAY WITH RESPECT TO WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST A; AND (iii) GRANT RELATED RELIEF

This matter having been opened to the Court upon the motion (the "Motion") of Edward A. Philips, in his capacity as Chapter 11 Trustee (the "Trustee") for the bankruptcy estate of William J. Focazio, Jr. (the "Debtor"), pursuant to sections 105(a) of the Bankruptcy Code and Rule 9024 of the Federal Rules of Bankruptcy Procedure, for the entry of an Order (i) vacating the Order Vacating Automatic Stay [Doc. 77] (the "Stay Relief Order") and reinstating the automatic stay; (ii) re-imposing the automatic stay with respect to Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A ("Wilmington"); and (iii) granting related relief; and the Court having considered the papers submitted in support of, and in opposition to, the Motion and any arguments made by the parties at the hearing on the Motion; and it appearing that the legal and factual bases set forth in the Motion establish just cause for the relief granted therein; and it further appearing that the relief requested in the Motion is in the best interests of the Debtor's estate and creditors; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

THE COURT HEREBY FINDS AND DETERMINES THAT:

A. The Court has jurisdiction over the Motion pursuant to 28 U.S.C. §1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (G). Venue of the Motion is proper pursuant to 27 U.S.C. §1409.

B. For the reasons set forth in the Motion and on the record at the hearing thereon, the Trustee has established an adequate basis for the granting of relief under Bankruptcy Rule 9024 and Rule 60(b) of the Federal Rules of Civil Procedure.

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Debtor: William J. Focazio, Jr.

Case No.: 19-10880-VFP

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C. For the reasons set forth in the Motion and on the record at the hearing thereon, the Trustee has established a substantial likelihood of success on the merits, irreparable harm to the estate, that the harm to the estate outweighs the harm to Wilmington, and that injunctive relief does not violate the public interest.

D. As evidenced by the certificate of service filed with the Court, (i) proper, timely, adequate and sufficient notice of the Motion has been provided in accordance with the Bankruptcy Code and Bankruptcy Rules; (ii) such notice was good, sufficient and appropriate under the particular circumstances; and (iii) no other or further notice of the Motion or the entry of this order shall be required.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. All of the findings of fact and conclusions of law set forth above are incorporated herein by reference, and the Motion is granted in its entirety
2. The Stay Relief Order is hereby vacated and shall no longer have any force or effect.
3. The Sheriff's sale scheduled for 43 Inlet Drive, Point Pleasant Beach, NJ (Block, 175, Lot 24), *(the property)* is hereby stayed until further Order of this Court.*
4. The stay of Bankruptcy Code section 362(a) is hereby re-imposed as to the Debtor and the Debtor's *P*roperty and the estate consistent with 11 U.S.C. §362(a) and against Wilmington.

** Any party affected by this Order may seek to have a motion for relief for stay heard on shortened notice*

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Debtor: William J. Focazio, Jr.

Case No.: 19-10880-VFP

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5. This Court shall retain exclusive jurisdiction to enforce the provisions of this Order and to resolve any issue or dispute concerning the interpretation, implementation or enforcement of this Order or the rights and duties of the parties hereunder or thereunder.

6. A copy of this Order shall be served on all parties who received notice of the Motion within seven (7) days of the date hereof.

In re:
William J Focazio
Debtor

Case No. 19-10880-VFP
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 2

Date Rcvd: Aug 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 15, 2019.

db +William J Focazio, 101 Fox Hedge Road, Saddle River, NJ 07458-2715
atty +Roper & Thyne, LLC, Roper & Thyne, LLC, 77 Jefferson Place, Totowa, NJ 07512-2614

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 15, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 13, 2019 at the address(es) listed below:

Andrew J. Pincus on behalf of Creditor SB One Bank f/k/a Community Bank of Bergen County, N.J. ap@seidmanllc.com
Andrew M. Lubin on behalf of Creditor Wilmington Savings Fund Society, FSB, as Trustee of Stanwich Mortgage Loan Trust A bkecf@milsteadlaw.com, alubin@milsteadlaw.com
Brian E Caine on behalf of Creditor U.S. Bank National Association, not in its individual capacity but solely as Trustee for the RMAC Trust, Series 2016-CTT bcaine@parkermccay.com, BKcourtnotices@parkermccay.com
Daniel F. Corrigan on behalf of Creditor First Commerce Bank dcorrigan@windelsmarx.com, mslama@windelsmarx.com
David B. Grantz on behalf of Creditor Provident Bank f/k/a The Provident Bank dgrantz@meyner.com, ckelly@meyner.com
David S. Catuogno on behalf of Creditor Oritani Bank david.catuogno@klgates.com
Donald F. Campbell, Jr. on behalf of Creditor Allstate New Jersey Property and Casualty Insurance Company dcampbell@ghclaw.com, 4433@notices.nextchapterbk.com
Edward A. Phillips ephillips@getzlerhenrich.com
Jerrold S. Kulback on behalf of Creditor Fulton Bank of New Jersey jkulback@archerlaw.com
John P. Di Iorio on behalf of Debtor William J Focazio jdiorio@shapiro-croland.com
Kevin Gordon McDonald on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION kmcdonald@kmllawgroup.com, bkgroup@kmllawgroup.com
Maria Arnott on behalf of Creditor SB One Bank f/k/a Community Bank of Bergen County, N.J. ma@seidmanllc.com
Matthew Patrick Dolan on behalf of Creditor Provident Bank f/k/a The Provident Bank mdolan@meyner.com
Mitchell Hausman on behalf of U.S. Trustee U.S. Trustee Mitchell.B.Hausman@usdoj.gov
Philip Seth Rosen on behalf of Creditor BANK OF AMERICA, N.A. prosen@zeklaw.com
Sydney J. Darling on behalf of Trustee Edward A. Phillips sdarling@walsh.law, mvargas@walsh.law
U.S. Trustee USTPRRegion03.NE.ECF@usdoj.gov

TOTAL: 17